

REMARKS/ARGUMENTS

Claims 1-25 are pending, claims 18-20 having been withdrawn from consideration. By this Amendment, the specification is amended, claims 1 and 21 are amended, and new claims 23-25 are presented. Support for the amendments to claims 1 and 21 can be found, for example, in the present specification at page 1, lines 27 to 30, as amended herein, and in original claims 1 and 21. Support for new claims 23-25 can be found, for example, in the present specification at page 1, lines 12 to 13, page 1, lines 26 to 30, page 3, lines 25 to 26, and page 5, lines 18 to 21, and in original claims 1 and 21. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Status of Office Action

In the present application, an Office Action was issued on December 31, 2008 and a further Office Action was issued on January 9, 2009. As indicated in the Interview Summary dated March 24, 2009, the January 9, 2009 Office Action supersedes the December 31, 2008 Office Action – no response to the December 31, 2008 Office Action is required.

Amendments to the Specification

By this Amendment, the specification is amended to replace the term "uniformity" with the term "homogeneity" at page 1, line 30. Support for the amendment can be found, for example, in the Declaration attached hereto, which indicates that the term "uniformity" at page 1, line 30, of the present specification is more correctly translated as "homogeneity." No new matter is added.

Rejection Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1-17, 21 and 21 under the written description requirement of 35 U.S.C. §112, first paragraph. By this Amendment, claims 1 and 21 are amended to recite that "the formed veil is homogeneous." This phrase is literally supported in the present specification at page 1, lines 29 to 30, as amended herein. The remaining claims are rejected solely for their dependency from claims 1 and 21. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1-17, 21 and 21 under as indefinite under 35 U.S.C. §112, second paragraph. By this Amendment, claims 1 and 21 are amended to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §102/§103

The Office Action rejects claims 1-17, 21 and 22 under 35 U.S.C. §102(b), or in the alternative under 35 U.S.C. §103(a) over U.S. Patent No. 5,837,620 to Kajander ("Kajander"). Applicants respectfully traverse the rejection.

A. Claim 1

Claim 1 recites "[a] process for producing a veil comprising glass fibers and cellulose fibers, comprising: dispersing cellulose fibers and chopped glass fibers into a white water; forming a bed in a forming device by passage of the dispersion over a forming fabric through which the white water is drained off, the fibers being retained on the fabric and the dispersion comprising, during passage, a cationic white water; and performing a heat treatment in an

oven device to form the veil; wherein the formed veil is homogeneous" (emphasis added).

Kajander does not disclose or suggest such a process.

Claim 1 requires that cellulose fibers and chopped glass fibers be dispersed into a white water to form a homogeneous veil. The Office Action asserts that Kajander discloses mixing chopped glass fibers and cellulosic fibers into a slurry stream of whitewater to create a web. *See* Office Action, page 4. At the outset, Kajander provides no disclosure of a slurry including both chopped glass fibers and cellulosic fibers. Every slurry specifically disclosed in Kajander includes only glass fibers. *See* Kajander, Examples. While Kajander indicates that cellulosic fibers may be used (*see, e.g.,* Kajander, column 3, lines 16 to 20), there is no indication in Kajander that cellulosic fibers could or should be added to the slurry along with glass fibers to form the disclosed web.

Rather, Kajander suggests that cellulosic fibers should not be incorporated into the slurry to form the disclosed mat. Kajander indicates, in particular, that "it is particularly advantageous to have a higher concentration of cellulosic fibers on one or both surface portions of the mat." *See* Kajander, column 3, lines 23 to 28. Thus, in Kajander, the cellulosic fibers are not applied along with the glass fibers to form the disclosed mat – doing so would prevent a concentration gradient from being formed. Rather, the cellulosic fibers must be applied before and/or after the slurry including glass fibers to obtain the described concentration gradient. Kajander provides no specific disclosure of employing a slurry including both glass fibers and cellulosic fibers, and the only suggestion with respect to cellulosic fibers is that they be used separately from glass fibers to achieve higher concentrations at the surfaces of the described mat.

Moreover, as emphasized above, the veil obtained in claim 1 is homogenous. While Kajander could possibly be construed as disclosing a homogenous mat including glass fibers alone, Kajander's only disclosure with respect to a mat including both glass fibers and

cellulosic fibers indicates that the mat should not be homogenous, but rather should have a concentration gradient.

The Board of Patent Appeals and Interferences has stated "... [t]he *KSR* Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some 'apparent reason to combine the known elements in the fashion claimed.'" *Ex parte Whalen*, 89 USPQ2d 1078, 1084 (Bd. Pat. App. & Int. 2008). The Office Action has simply failed to articulate an apparent why one of ordinary skill in the art would have ignored the explicit teachings of Kajander, and provided both glass fibers and cellulosic fibers in a slurry together to obtain a homogeneous veil.

Kajander fails to disclose or suggest each and every feature of claim 1. A *prima facie* case of obviousness has not been made.

B. Claim 21

Claim 21 recites "[a] process for producing a veil comprising glass fibers and cellulose fibers, comprising: dispersing cellulose fibers and chopped glass fibers into a white water; forming a bed in a forming device by passage of the dispersion over a forming fabric through which the white water is drained off, the fibers being retained on the fabric and the dispersion comprising, during passage, a cationic white water; and performing a heat treatment in an oven device to form the veil; wherein: a binder or binder precursor is added to the dispersion before forming the bed, or applied to the formed bed before performing the heat treatment; the formed veil is homogeneous; and the formed veil comprises 2 to 12 wt % cellulose fibers, 70 to 80 wt % glass fibers, and 8 to 27 wt % binder" (emphasis added). Kajander does not disclose or suggest such a process.

Claim 21 distinguishes over Kajander for at least the reasons discussed above with respect to claim 1. However, claim 21 further requires that the formed veil includes 2 to 12 wt % of cellulose fibers. Kajander states only that "a minor portion of non-glass fibers may be used." See Kajander, column 3, lines 17 to 18. Kajander provides no indication that the amount of cellulosic fibers would have any effect on the performance of the obtained mat. As is well-settled, a particular parameter must first be recognized as a result-effective variable before the determination of workable ranges can be said to be an obvious variation. See, e.g., MPEP §2144.05.II.B (citing *In re Antonie*, 195 U.S.P.Q. 6 (C.C.P.A. 1977)). The Office Action fails to identify, in any of the cited references, recognition that the amount of cellulosic fibers is a result-effective variable. A *prima facie* case of obviousness has not been made.

However, even if a *prima facie* case were made, such case is rebutted by the results shown in the present specification – "[a] *prima facie* case of obviousness ... is rebuttable by proof that the claimed compounds possess unexpectedly advantageous or superior properties." See MPEP §2144.09 (citing *In re Papesch*, 315 F.2d 381 (C.C.P.A. 1963)). The Examples of the present specification demonstrate that veils including cellulose fibers in the range of amounts required by claim 21 have substantially higher tear strength (19% higher) than veils including cellulose fibers in amounts above or below the range of amounts required by claim 21. See present specification, page 8, lines 5 to 12. These results are objective evidence of the improvements of the process of claim 21 over known processes, such as described in Kajander, and thus these results rebut any suggestion that it would have been obvious to modify the process of Kajander to obtain the process of claim 21.

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As explained, claims 1 and 21 are not anticipated by and would not have been rendered obvious by Kajander. Claims 2-17 and 22 depend variously from claims 1 and 21 and, thus, also are not anticipated by and would not have been rendered obvious by Kajander. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

#### New Claims

By this Amendment, new claims 23-25 are presented.

Claim 23 is believed to distinguish over the cited references for at least the reasons discussed above with respect to claim 1. In addition, Applicants note that claim 23 requires that a dry veil be obtained. Kajander is explicitly directed to a method in which uncured or wet mats are formed, and the wet mats are adhered to a layer of wood and then cured or dried. See Kajander, column 2, lines 25 to 38, column 4, lines 24 to 38. No reasonable interpretation of the term "veil" would include a wood composite.

Applicants note that the procedure in Example 1 of Kajander, where a mat (without cellulosic fibers) is fully cured in the absence of a layer of wood, is indicated to yield an inferior product. Compare Kajander, column 5, lines 28 to 29 and column 5, lines 59 to 62. Kajander plainly teaches away from practicing a method in which a fully cured mat is obtained. As Kajander is directed to either a wet mat or a dry composite, but never a dry veil, Kajander fails to disclose or suggest each and every feature of claim 23.

Claim 23 further requires that the white water contains the fibers in an individual state during passage through the bed. Kajander does not remotely disclose or suggest providing fibers in such state.

Claims 24 and 25 depend from claim 23 and, thus, are also believed to distinguish over the cited references.

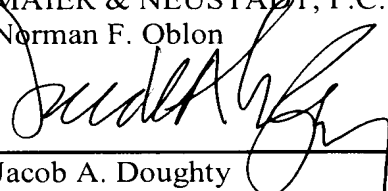
Application No. 10/541,121  
Reply to final Office Action of January 9, 2009

Conclusion

For the foregoing reasons, Applicants submit that claims 1-25 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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Attachment:  
Declaration